

# **PART 1**

## **SUMMARY AND EXPLANATION**

## THE COUNCIL'S CONSTITUTION

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The North West Leicestershire District Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution contains 16 articles in Part 2 which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

## WHAT'S IN THE CONSTITUTION?

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In Part 2, Article 1 of the Constitution commits the Authority to a new community leadership agenda, to local democratic self-government, to improvement, quality and equality in service delivery and to the active involvement of local people, stakeholders and partners in decision making. Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. These are:

Members of the Council (Article 2).

Citizens and the Council (Article 3).

The Council meeting (Article 4)

Chairing the Council (Article 5).

Scrutiny (Article 6).

The Cabinet (Article 7).

Regulatory and other bodies (Article 8).

The Audit and Governance Committee (Article 9).

Area committees and forums (Article 10).

Joint arrangements (Article 11).

Officers (Article 12)

Decision making (Article 13).

Finance, contracts and legal matters (Article 14).

Review and revision of the Constitution (Article 15).

Suspension, interpretation and publication of the Constitution (Article 16).

## HOW THE COUNCIL OPERATES

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The Council is composed of 38 councillors, elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. Councillors have a duty to follow a code of conduct to ensure high standards in the way they undertake their roles. The Audit and Governance Committee trains and advises them on the code of conduct. All councillors meet together as the full Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints a Leader for a one year term, two Scrutiny Committees, regulatory bodies, an Audit and Governance Committee and other statutory, advisory and consultative bodies. The Leader and other Cabinet members are open to questions from the public and other councillors at meetings of the Council.

## HOW DECISIONS ARE MADE

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The Cabinet is the part of the Authority's structure which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader and up to nine members. The Leader appoints his/her Cabinet and Deputy Leader. It is called the Cabinet when the Leader and other executive members meet together. When major decisions are to be discussed or made, these are published in the Cabinet's Executive Decision Notice in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the full Council to decide.

## SCRUTINY

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The scrutiny function is carried out by the two Scrutiny Committees (Corporate and Community). They support the work of the Cabinet and the full Council and allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsiders the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

## THE COUNCIL'S STAFF

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The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. All employees are subject to a code of conduct and a protocol governs the relationships between officers and members of the Council.

## CITIZENS' RIGHTS

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Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

Vote at local elections if they are registered;

Contact their local councillor about any matters of concern to them;

Obtain a copy of the Constitution;

Attend meetings of the Council and its boards and committees except where, for example, personal or confidential matters are being discussed;

Petition to request a referendum on a different form of governance;

Present petitions in accordance with the Council's adopted petition scheme or deputations and participate in the Council's question time and that of the Scrutiny Committees;

Speak in favour of or against applications for planning permission;

Find out from the Executive Decision Notice what major decisions are to be discussed by the Cabinet or decided by officers, and when;

Attend meetings of the Cabinet where decisions are being discussed or decided;

See reports and background papers and any record of decisions made by the Council, the Cabinet or officers except those containing confidential or exempt information;

Complain to the Council in accordance with its complaints procedure;

Complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;

Complain to the Monitoring Officer of the Council if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct for Members;

Inspect the Council's accounts and make their views known to the District Auditor, and

Speak at meetings at the discretion of the committee or in accordance with the rules set out in this Constitution.

The Council welcomes participation by its citizens in its work. Details of the rights of citizens to inspect agendas and reports and to attend meetings are set out in Article 3 and the Access to Information Procedure Rules. Information on this can be obtained from the Council offices and from the Council's website at [www.nwleics.gov.uk](http://www.nwleics.gov.uk).